

***Please Substitute for Original***

ORDINANCE NO. 21-2021

By: Bullock, Kepple, Litten, Neff, O'Malley, Rader,  
Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force at the earliest period allowed by law, amending Sections within Chapter 144 Civil Service Commission to allow lateral entry police officers to be hired with a grant of seniority for purposes of salary based on prior civil service police service.

WHEREAS, Lakewood, as well as other law enforcement agencies, is having difficulty attracting new candidates to serve as a police officer; and

WHEREAS, Lakewood's ordinances and Civil Service Commission rules currently allow Lakewood to hire one lateral entry police officer for each three that are hired off the Civil Service eligibility list; and

WHEREAS, it is difficult to attract talented experienced officers as they typically would have to take a pay cut to join Lakewood's Division of Police; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that Lakewood should be making every effort to attract talented and qualified police officers to serve our community; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 144.14 Original Appointment to the Division of Police, of the Lakewood Codified Ordinances is currently reading as follows:

**144.14 ORIGINAL APPOINTMENT TO THE DIVISION OF POLICE.**

(a) There shall be two methods for original appointment of police officers to the Division of Police: civil service examination with placement on the certified eligible list and lateral hire. In either case, candidates must conform to certain minimum qualifications of the City of Lakewood Civil Service Rules and Regulations.

(1) Civil service examination process. Applicants are required to complete a written examination as well as a physical agility test. The Civil Service Commission shall certify the names in accordance with its rules and regulations.

Candidates appointed to police officer through these procedures will be hired at Grade III first year and must successfully complete an eighteen- month probationary period or as otherwise provided by the collective bargaining agreement.

(2) Lateral hire process. Applicants will submit an employment application as well as a current certificate of physical agility to the Department of Human Resources.

In addition, candidates must conform to all the minimum requirements of the Civil Service Rules and Regulations and all applicants for lateral hire shall meet the following prerequisites:

- Original Appointment?**
- A. An applicant must currently or have previously been employed as a peace officer;
  - B. An applicant must be OPATA certified;
  - C. For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a peace officer;
  - D. An applicant's current or previous peace officer employment must have been as a result of a civil service examination process.

The Police Chief, in conjunction with the Director of Human Resources and the Public Safety Director, will review resumes and applications to determine which applicants meet the lateral entry criteria. Lateral entry candidates may be required to submit to the following, including but not limited to, a thorough background investigation, polygraph examination, psychological and medical evaluation, oral interview and drug screening as stated in the Police General Order 91-014 Selection Process

Positions filled through these procedures are therefore exempt from competitive examination.

Candidates appointed to police officer through these procedures will be hired at Grade III first year and must successfully complete an 18-month probationary period or as otherwise provided by the collective bargaining agreement.

Seniority for lateral entry police officers will be based on the date of hire with the City.

Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(3) If any police officer is hired under the lateral entry process, at least the next three (3) hires must be made from the Civil Service Entry Level Certified Eligible List.

(4) If a layoff list exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(5) The Civil Service Commission is authorized to promulgate rules and procedures for the administration of the test and selection methodology of both methods of original appointment not inconsistent with this section.

(b) Subsection (a) hereof is specifically intended to supersede State Code for original appointments to patrol officer positions in the Division of Police.

is hereby repealed.

Section 2. That new Section 144.14 Original Appointment to the Division of Police, is hereby enacted to read as follows:

#### **144.14 ORIGINAL APPOINTMENT TO THE DIVISION OF POLICE.**

(a) There shall be two methods for original appointment of police officers to the Division of Police: civil service examination with placement on the certified eligible list and lateral hire. In either case, candidates must conform to certain minimum qualifications of the City of Lakewood Civil Service Rules and Regulations.

(1) Civil service examination process. Applicants are required to complete a written examination as well as a physical agility test. The Civil Service Commission shall certify the names in accordance with its rules and regulations.

Candidates appointed to police officer through these procedures will be hired at Grade III first year and must successfully complete an eighteen- month probationary period or as otherwise provided by the collective bargaining agreement.

(2) Lateral hire process. Applicants will submit an employment application as well as a current certificate of physical agility to the Department of Human Resources.

In addition, candidates must conform to all the minimum requirements of the Civil Service Rules and Regulations and all applicants for lateral hire shall meet the following prerequisites:

- A. An applicant must currently or have previously been employed as a peace officer;
- B. An applicant must be OPOTA certified;
- C. For applicants previously employed, there shall be no more than a one-year break in service from previous employment as a peace officer;
- D. An applicant's current or previous peace officer employment must have been as a result of a civil service examination process.

The Police Chief, in conjunction with the Director of Human Resources and the Public Safety Director, will review resumes and applications to determine which applicants meet the lateral entry criteria. Lateral entry candidates may be required to submit to the following, including but not limited to, a thorough background investigation, polygraph examination, psychological and medical evaluation, oral interview and drug screening.

Positions filled through these procedures are therefore exempt from competitive examination.

Candidates appointed to police officer through these procedures must successfully complete an 18-month probationary period or as otherwise provided by the collective bargaining agreement.

Patrol Officer Grade Classification, for lateral entry police officers will be credited based on prior civil service in the position of police officer. Lateral entry police officers shall receive one year credit for prior service for each two full years of prior service for purposes of seniority. In no event shall a lateral entry police officer receive more than three years credit with the City of Lakewood.

Employees selected through these procedures shall obtain and retain all other rights attributed to the classified service, following successful completion of the probationary period.

(3) If any police officer is hired under the lateral entry process, at least the next three (3) hires must be made from the Civil Service Entry Level Certified Eligible List.

(4) If a layoff list exists, then the appointment will be subject to the City Civil Service Rules and Regulations.

(5) The Civil Service Commission is authorized to promulgate rules and procedures for the administration of the test and selection methodology of both methods of original appointment not inconsistent with this section.

(b) Subsection (a) hereof is specifically intended to supersede State Code for original appointments to patrol officer positions in the Division of Police.

Section 3. That Section 144.08 Procedure for Promotions for Uniformed Police and Fire, of the Lakewood Codified Ordinances, currently reading as follows:

**144.08 PROCEDURE FOR PROMOTIONS FOR UNIFORMED POLICE AND FIRE.**

(a) Promotions for uniformed Police and Fire shall be from class to class from the lowest to highest. No person shall be eligible to take any promotional examination without having served two years in the highest grade in the next lower class by the date of such examination. This requirement may be waived by the Commission if only one person is eligible, or if only one eligible person is willing to take such examination. In that event, persons having served at least two years in the then next lower grade in the next lower class shall also be eligible to take such examination.

(b) In no case shall any person be considered for the position of Chief unless he or she has served a minimum of ten (10) years with that division in the City of Lakewood.

(c) At the discretion of the Commission credit for performance ratings of the applicants may be considered in the determination of a final score. In no case, however, shall the performance evaluation constitute more than fifteen percent (15%) of the applicant's final score. Performance evaluations shall be on forms and in a manner prescribed by the Commission.

(d) Applicants, otherwise eligible for promotion, who achieve a passing score on a promotional exam shall receive credit for seniority which shall be determined as follows:

(1) Each of the first four (4) full years of service shall be counted as one half (.50) a point.

(2) Each full year of the next ten (10) years of service shall be counted as eight-tenths (.80) of a point.

Seniority credit shall be calculated based on the date of the first component of the promotional examination.

(e) The Commission shall conduct the examinations in accordance with the general rules of the Commission governing examinations.

(f) After the exams are scored, eligible lists shall be created. The Commission shall certify the three applicants standing highest on the list to the appointing authority who shall appoint

one of the persons so certified. If there are fewer than three names on an eligible list, the Commission may certify them. The appointing authority may appoint one or reject all. If the appointing authority rejects all such names the eligible list shall thereupon terminate.

(g) If there are fewer than three individuals within the classified service that meet the minimum requirements for promotional exam, the appointing authority may elect to conduct an open, competitive exam according to original appointment procedures to fill said vacancy.

(h) Subsections (a) through (g) hereof are specifically intended to supersede State Code provisions on the general promotion for appointments to a civil service position.

is hereby repealed.

Section 4. That new Section 144.08 Procedure for Promotions for Uniformed Police and Fire, of the Lakewood Codified Ordinances, is hereby enacted to read as follows:

**144.08 PROCEDURE FOR PROMOTIONS FOR UNIFORMED POLICE AND FIRE.**

(a) Promotions for uniformed Police and Fire shall be from class to class from the lowest to highest. No person shall be eligible to take any promotional examination without having served two years with the City of Lakewood in the highest grade in the next lower class by the date of such examination. This requirement may be waived by the Commission if only one person is eligible, or if only one eligible person is willing to take such examination. In that event, persons having served at least two years with the City of Lakewood in the then next lower grade in the next lower class shall also be eligible to take such examination.

(b) In no case shall any person be considered for the position of Chief unless he or she has served a minimum of ten (10) years with that division in the City of Lakewood.

(c) In no case shall a lateral entry police officer be eligible to test for the position of Sergeant without having served a minimum of 6 years with the City of Lakewood Division of Police.

(d) At the discretion of the Commission credit for performance ratings of the applicants may be considered in the determination of a final score. In no case, however, shall the performance evaluation constitute more than fifteen percent (15%) of the applicant's final score. Performance evaluations shall be on forms and in a manner prescribed by the Commission.

(e) Applicants, otherwise eligible for promotion, who achieve a passing score on a promotional exam shall receive credit for seniority which shall be determined as follows:

(1) Each of the first four (4) full years of service shall be counted as one half (.50) a point.

(2) Each full year of the next ten (10) years of service shall be counted as eight-tenths (.80) of a point.

Seniority credit shall be calculated based on the date of the first component of the promotional examination and shall only include years of service with the City of Lakewood.

(f) The Commission shall conduct the examinations in accordance with the general rules of the Commission governing examinations.

(g) After the exams are scored, eligible lists shall be created. The Commission shall certify the three applicants standing highest on the list to the appointing authority who shall appoint one of the persons so certified. If there are fewer than three names on an eligible list, the Commission may certify them. The appointing authority may appoint one or reject all. If the appointing authority rejects all such names the eligible list shall thereupon terminate.

(h) If there are fewer than three individuals within the classified service that meet the minimum requirements for promotional exam, the appointing authority may elect to conduct an open, competitive exam according to original appointment procedures to fill said vacancy.

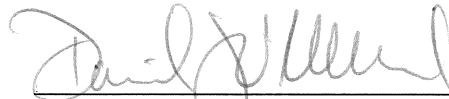
(i) Subsections (a) through (g) hereof are specifically intended to supersede State Code provisions on the general promotion for appointments to a civil service position

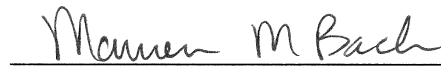
Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such

formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

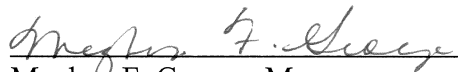
Section 6. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 9/7/2021

  
Daniel J. O'Malley, Council President

  
Maureen M. Bach, Council Clerk

Approved: 9/8/21

  
Meghan F. George, Mayor

